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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/704,400	08/27/1996	RENATE M. SOMBROEK	PHN14.491A	9135

24737 7590 05/20/2003

PHILIPS ELECTRONICS NORTH AMERICAN CORP
580 WHITE PLAINS RD
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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 05/20/2003

42

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

08/704,400

Applicant(s)

SOMBROEK ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant response filed on 04/02/03 has been entered. Claims 24-33 have been cancelled and new claims 34-43 have been entered.

Response to Arguments

2. Applicants arguments filed on 04/02/03 has been fully considered, however, they are not deemed persuasive in view of the new grounds of rejection.

Claim Objection

3. Claim 40, at line 6 "based a time period" is grammatically incorrect and should be "based on a time period". Note claim 34 line 6.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 40-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 40 is indefinite because this claim claims that both the first and the second speed ranges occur when the timing signals is less than a pre-specified number, see lines 14 and 16. Thus the second occurrence of less, line 16, should be greater. Dependent claims 41-43 do not correct this problem.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 34-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine, EP 0 062 133 A2. This reference was made of record by applicant on the PTO-1449 having a mail room stamp date of 12/04/94.

Applicants specification at page 5 line 32 to page 6 line 1 states: Alternatively, v1 and v2 may be the upper bounds of low-speed and high-speed ranges, the cursor speed being continuously variable through user-interface 106. Thus, with reference to figure 2 the steps from v1 to v2 would not exist but would be illustrated by a sloped line representing cursor speed being continuously variable from v1 to v2 and v2 to v3.

Similarly the claims now claim the actual displacement speed of the cursor is variable within both a first speed range and a second speed range. Thus, the claims are claiming a variable speed cursor with the added language of a first speed range and a second speed range. However, in view of the specification, the claims are claiming a variable speed cursor with an arbitrarily selected first speed range and second speed range and the claims do not claim how the speed is variable within each speed range and they do not claim the specific details of how the first and second speed ranges are determined other than claiming the second speed range occurs after a predetermined time interval after initial application of force to the user interface. Thus, at any time

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along the variable cursor speed one may arbitrarily designate a position which represents a transition from v_1 to v_2 but since v_1 is an upper bound the cursor speed would be continuous at the transition from v_1 to v_2 , therefore, the variable cursor speed of Levine teaches applicants claimed invention. Figure 2 of Levine illustrates and page 6 lines 17-19 describes that as time progresses the displacement speed of the cursor increases from point A to point C. Concerning applicant's claim to a first and second speed range, applicant has merely claimed a point on the slope between points A and C shown in figure 2, such as point B, that divides the slope into a first speed range and a second speed range. Thus, the force applied to Levine's button 1 controls the speed of the cursor based upon the length of time force is applied to button 1 and the speed of the cursor is within a low speed range during the beginning of cursor movement and after a predetermined time period the speed of the cursor is in a high speed range.

A detailed analysis of the claims follows.

Claim 34:

Levine teaches a data processing system, comprising:

a display (page 3 lines 17-25);

a cursor controller connected to said display for displacement of a cursor represented on said display (figure 1); and

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a user-interface coupled to said cursor controller (figure 1),

said user-interface operable to sense a user-desired manipulation of the cursor based on a time period of an application of force on said user-interface by a user, wherein a displacement speed of the cursor as represented by said display is dependent upon the time period of the application of force on said user-interface by the user (page 6 lines 17-19 describes cursor speed increasing with time, thus, the slope from point A to point C of figure 2 illustrates increase in speed with time),

wherein, upon an initial application of force on said user-interface by the user, the actual displacement speed of the cursor is variable within a first speed range (As discussed above the arbitrary selection of a point that separates the low speed from the high speed is located anywhere along the slope from point A to point C such as point B and between points A and B the cursor speed varies within a low speed range), and

wherein, upon a predetermined time interval after the initial application of force on said user-interface by the user, the actual displacement speed of the cursor is variable within a second speed range (As discussed above the arbitrary selection of a point that separates the low speed from the high speed is located anywhere along the slope from point A to point C such as point B and between points B and C the cursor speed varies within a higher speed range).

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Claim 35:

Levine teaches the data processing system of claim 34, wherein, during the time period of the application of force on said user-interface by the user, at least one timing signal indicative of a sensing of the user-desired manipulation of the cursor is generated (inherent to systems that increase the speed of the cursor with time, page 6 lines 17-19, a timing signal is needed since to increase the speed with time a means to count the time of activation of the user interface is necessary which requires a timing signal to be counted);

wherein the actual displacement speed of the cursor is within the first speed range when a total generation of timing signals is less than a pre-specified number (as discussed above the arbitrary selection of high speed and low speed ranges along the slope from point A to point C is determined with respect to time, thus, when the time is less than a specified number the slope is between points A and B which is a low speed range); and

wherein the actual displacement speed of the cursor is within the second speed range when the total generation of timing signals is equal to or greater than the prespecified number (as discussed above the arbitrary selection of high speed and low speed ranges along the slope from point A to point C is determined with respect to time, thus, when the time is equal to or greater than a specified number the slope is between points B and C which is a high speed range).

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Claim 36:

Levine teaches the data processing system of claim 35, wherein the at least one timing signal includes at least one vertical timing signal (Y signal, page 3 lines 17-25) indicative of a vertical speed component of the user-desired manipulation of the cursor.

Claim 37:

Levine teaches the data processing system of claim 35, wherein the at least one timing signal includes at least one horizontal signal (X signal, page 3 lines 17-25) indicative of a horizontal speed component of the user-desired manipulation of the cursor .

Claim 38:

Levine teaches the data processing system of claim 34, wherein, during the activation of said user-interface, said user-interface includes: means for generating at least one timing signal indicative of the user-desired manipulation of the cursor; and means for counting a total generation of timing signals (inherent to systems that increase the speed of the cursor with time, page 6 lines 17-19, to increase the speed with time a means to count the time of activation of the user interface is necessary).

Claim 39:

Levine teaches the data processing system of claim 38, wherein the actual displacement speed of the cursor is within the first speed range when the total

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generation of timing signals is less than a pre-specified number (discussed above with regard to arbitrary selection of high speed and low speed ranges along the slope from point A to point C with the section of the slope between points A to B a low speed range); and

wherein the actual displacement speed of the cursor is within the second speed range when the total generation of timing signals is equal to or greater than the prespecified number (discussed above with regard to arbitrary selection of high speed and low speed ranges along the slope from point A to point C with the section of the slope between points B to C a high speed range).

Claim 40:

Levine teaches a data processing system, comprising:

a display (page 3 lines 17-25);

a cursor controller connected to said display for displacement of a cursor represented on said display (figure 1); and

a user-interface coupled to said cursor controller (figure 1),

said user-interface operable to sense a user-desired manipulation of the cursor based on a time period of an application of force on said user-interface by a user (page 6 lines 17-19 describes cursor speed increasing with time, thus, the slope from point A to point

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C of figure 2 illustrates increase in speed with time),

wherein, during the time period of the application of force on said user interface by the user, at least one timing signal indicative of the user-desired manipulation of the cursor as sensed by said user-interface is generated (inherent to systems that increase the speed of the cursor with time, page 6 lines 17-19, a timing signal is needed since to increase the speed with time a means to count the time of activation of the user interface is necessary which requires a timing signal to be counted),

an actual displacement speed of the cursor as represented by said display is variable within a first speed range when a total generation of timing signals is less than a pre-specified number (as discussed above the arbitrary selection of high speed and low speed ranges along the slope from point A to point C is determined with respect to time, thus, when the time is less than a specified number the slope is between points A and B which is a low speed range), and

the actual displacement speed of the cursor is variable within a second speed range when the total generation of timing signals is equal to or less (less should be greater and for purposes of this rejection greater replaces less) than the pre-specified number (as discussed above the arbitrary selection of high speed and low speed ranges along the slope from point A to point C is determined with respect to time, thus, when the time is equal to or greater than a specified number the slope is between points B and C

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which is a high speed range).

Claim 41:

Levine teaches the data processing system of claim 40, wherein the pre-specified number defines a predetermined time interval during the activation of said user-interface (as discussed above inherent to systems that vary the speed of the cursor with regard to time, time is counted, and thus the transaction from low speed region to high speed region is a pre-specified number the defines a predetermined time interval from point A to point B).

Claim 42:

Levine teaches the data processing system of claim 40, wherein the at least one timing signal includes at least one vertical timing signal (Y signal, page 3 lines 17-25) indicative of a vertical speed component of the user-desired manipulation of the cursor.

Claim 43:

Levine teaches the data processing system of claim 40, wherein the at least one timing signal includes at least one horizontal signal (X signal, page 3 lines 17-25) indicative of a horizontal speed component of the user-desired manipulation of the cursor.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

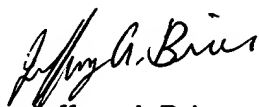
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or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
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